



OLR RESEARCH REPORT

August 13, 2012

2012-R-0377

NEIGHBORHOOD WATCH VOLUNTEER LIABILITY

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You asked if there are any laws protecting neighborhood watch volunteers from liability.

SUMMARY

Neighborhood watch volunteers are shielded from liability under (1) federal law for negligent acts they commit during the course of their duties and (2) Connecticut law for specified activities under certain circumstances, including rendering emergency medical services and assisting civil preparedness forces.

FEDERAL LAW

Federal law provides certain protections for certain volunteers, including those in a neighborhood watch group. The federal Volunteer Protection Act grants people who perform volunteer work for nonprofit organizations or government entities immunity from civil liability for injuries they cause by their negligence while volunteering (14 USC § 42-14501 et seq.). States can opt out of the law by passing an act explicitly doing so. Connecticut has not opted out; thus, the law applies here.

Scope of Limitation on liability

Under the act, volunteers of a nonprofit organization or government entity are not liable for harm caused by their act or omission if:

1. they were acting within the scope of their responsibilities when they performed or failed to perform the act;
2. they were properly licensed, certified, or authorized by the appropriate authorities in the state where the harm occurred;
3. the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the person who suffered harm; and
4. the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft or other vehicle for which the state requires the operator or owner to possess a license or maintain insurance.

The act does not affect (1) civil actions brought by the nonprofit organization or government entity against the volunteer or (2) the liability of any nonprofit organization or government entity with respect to harm caused by a volunteer (42 USC § 14503(b) and (c)).

The act preempts inconsistent state laws, but not laws that provide additional liability protection. The act also specifies that a state law is not inconsistent with the federal act because it:

1. requires the organization or entity to adhere to risk management procedures, including mandatory training of volunteers;
2. makes the organization or entity liable for the volunteer's acts or omissions to the same extent as an employer is liable for its employees' acts or omissions;
3. makes a limitation of liability inapplicable if the civil action was brought by a state or local government officer under state or local law; or
4. makes a liability limitation apply only if the organization or entity provides a financially secure source of recovery such as an insurance policy for those harmed by the volunteer (42 USC § 14503(d)).

Exemptions to Immunity

The act does not apply to misconduct that:

1. constitutes a crime or act of international terrorism as defined by federal law for which the volunteer has been convicted,
2. constitutes a hate crime as defined by federal law,
3. involves a sexual offense as defined by state law for which the volunteer has been convicted,
4. involves misconduct for which the volunteer has been found to have violated a federal or state civil rights law, or
5. occurred when the volunteer was under the influence of intoxicating liquor or any drug.

Limits on Punitive Damages

The act prohibits the award of punitive damages against a volunteer unless the person harmed establishes by clear and convincing evidence that the harm was proximately caused by the volunteer's actions that constituted willful or criminal misconduct, or a conscious, flagrant indifference to the injured person's rights or safety (42 USC § 14503(e)).

Liability for Noneconomic Loss

Under the act, a volunteer may be liable for noneconomic loss allocated to him in direct proportion to the percentage of his or her responsibility for the harm. The act requires the jury (or judge in a nonjury trial) to determine the volunteer's percentage of responsibility for the harm (42 USC § 14504).

CONNECTICUT LAW

Emergency Medical Services (Good Samaritan Law)

The Good Samaritan law provides immunity from civil damages for acts of ordinary negligence in connection with the rendering of emergency medical service by specified individuals under certain circumstances ([CGS § 52-557b](#)). The immunity does not apply to gross, willful, or wanton negligence.

Under the Good Samaritan law, neighborhood watch volunteers who render emergency first aid are immune from liability for ordinary negligence if they have completed a first aid course offered by the American Red Cross or some other specified organization. The law also protects volunteers that operate an automatic external defibrillator (AED) in providing emergency or medical assistance to a person. This liability shield is not construed to exempt volunteers from completing training in cardiopulmonary resuscitation or use of AEDs.

Volunteers are also immune from liability for property damages caused when they forcibly enter a home to render emergency first aid. The immunity does not apply to acts or omissions constituting gross, willful, or wanton negligence.

“Ordinary negligence” is the failure to exercise the care most people ordinarily exercise under the same or similar circumstances (*Clemens v. State*, 176 Wis. 289; 57 Am. Jur. 2d, Negligence, § 98). “Gross negligence” generally signifies more than ordinary inadvertence or inattention, but less than conscious indifference to consequences (*Alsbaugh v. Diggs*, 195 Va. 1, 77 S.E. 2d 362; *Prosser on Torts*, Gross Negligence). “Willful or wanton negligence” is an action or omission that amounts to an extreme departure from ordinary care, in a situation where a high degree of danger is apparent and is more than mere thoughtlessness, inadvertence, or simple inattention (*Prosser on Torts*, Degrees of Negligence).

Civil Preparedness

If a neighborhood watch volunteer is complying with or attempting to comply with laws, orders, or other measures dealing with civil preparedness, he or she is immune from liability for death, injury, or property damages ([CGS § 28-13](#)). The immunity established by this law does not apply to willful misconduct. (This civil preparedness law generally deals with natural disasters, emergencies, sabotage, or enemy attack.)

Generally, “willful misconduct” means a voluntary and intentional act that is more than simple negligence (*Black’s Law Dictionary* (9th ed. 2009)).

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